

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PIERRE PINSON,)	
)	
Petitioner,)	Civil Action No. 14 – 416
)	
v.)	District Judge Maurice B. Cohill
)	Magistrate Judge Lisa Pupo Lenihan
)	
BRIAN COLEMAN and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA,)	
)	
Respondents.)	

MEMORANDUM ORDER

Pierre Pinson (“Petitioner”) initiated this action on March 31, 2014, by submitting for filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

Respondents moved to dismiss the petition, asserting that it was filed outside the one-year AEDPA limitations period. Magistrate Judge Lenihan issued a Report and Recommendation on October 14, 2014, recommending that Respondents’ Motion to Dismiss be granted and that the petition be dismissed as untimely. Service was made on Petitioner, and he was informed that, in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, he had fourteen (14) days from the date of service to file objections to the

Report and Recommendation. Although they appear to be untimely filed, Petitioner's Objections were docketed on November 4, 2014.

Petitioner's sole objections is on the basis that there was not a valid judgment of sentence order entered in either of his underlying criminal cases, and, therefore, the Superior Court of Pennsylvania acted without jurisdiction when considering his direct appeal. Because of this, he claims his one-year statute of limitations period for filing a federal habeas petition has not yet started to run. The magistrate judge considered this argument in her Report and specifically stated that the record reveals written judgment of sentence orders for both of the underlying cases at issue.

The magistrate judge has thoroughly reviewed the hard copies of the state court records and find that the written judgment of sentences are in order and lawful. The Court finds with the magistrate judge because the state court records reveal judgment of sentence orders. Therefore, after reviewing the pleadings and documents in this case, together with the Report and Recommendation, and the Objections thereto, the following Order is entered:

AND NOW, this 14th day of November, 2014, it is hereby **ORDERED** that the Report and Recommendation (ECF No. 13) of Magistrate Judge Lenihan, dated October 14, 2014, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Respondents' Motion to Dismiss (ECF No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus (ECF No. 1) is **DISMISSED AS UNTIMELY**.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

Maurice B. Cohill Jr

Maurice B. Cohill
United States District Judge

cc: Pierre Pinson
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